

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

TUESDAY, JULY 12, 2005
COUNCIL CHAMBERS
THIRD FLOOR, HONOLULU HALE
4:00 P.M.

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Jeffrey T. Mikulina (arrived 4:08)
Darolyn H. Lendio
Andrew I.T. Chang
Amy H. Hirano
E. Gordon Grau
Jared N. Kawashima
Jim Myers
James C. Pacopac (arrived 4:20)
Malcolm J. Tom (arrived 4:15)
Stephen E. Meder (arrived 4:45)

Charter Commission Members Absent:

Gerald L. Coffee
Jan N. Sullivan

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

I. Call to Order

Chair Donn Takaki called the meeting to order at 4:07 p.m., July 12, 2005.

II. Public Testimony

Chair Takaki solicited public testimony on any agenda item.

Mr. Clifton Takamura, Board member of the McCully/Moiliili Neighborhood Board testified relating to Article 14, *Neighborhoods and Neighborhood Boards*, of the 1973 Revised Charter of the City & County of Honolulu (2000 Edition). He advised the Commissioners present that he and the Chair of the McCully/Moiliili Neighborhood Board would be submitting a proposal in relation to Article 14. He also mentioned he visited the Charter Commission website and requested to get the proposal submission form.

III. Agenda Item 3. Executive Administrator's Report.

- a. **Website Status** – Executive Administrator Chuck Narikiyo reported that Researcher Nikki Love has started as of June 27, 2005 and has been tasked to develop the Charter Commission Website. He has advised the Commission that the website is in the process of development and items are still being added to the website daily. The office is working on a web form for the public to use to submit their submissions. The website can be found on the City Council and City's websites. He encouraged the Commissioners present to visit the website and advise the office of any comments or critiques.
- b. **Press Conference** – Mr. Narikiyo advised the Commissioners present of the joint Press Conference with Council Chair Donovan Dela Cruz Managing Director, Jeff Coelho, and Charter Commission Chair Donn Takaki held on Tuesday, July 5, 2005 at 2:00pm in the City Council Committee Room. Advised the Commissioners of the attendance of the 2 major newspapers, The Honolulu Advertiser and the Honolulu Star Bulletin, and their follow-up articles publicized on July 6th and July 11th respectively. Copies of these articles were passed out to the Commissioners for their records. Opened up for discussion on future publication options and asked Commissioner Myers to elaborate.

Commissioner Myers summarized his meeting with Executive Administrator Narikiyo and the discussion of the budget for advertisement and promotion. Proposed question to the Commissioners for their approval to allow Commissioner Myers and the Budget Committee to move around unspent money set for other budget lines within the budget for advertisement and promotion. Chair Takaki asked Corporation Counsel for guidance on the issue. Corporation Counsel Deputy Lori Sunakoda advised the Commissioners to delegate the responsibility of the media plans to the Budget Committee through the proper procedures and to vote on the motion.

Action:

Commissioner Lendio moved to delegate authority to the Budget Committee to formulate, implement and execute a media plan within the confines of the overall budget. Commissioner Mikulina seconded the motion.

Chair Takaki asked if there was any discussion, and there was none. All Commissioners Takaki, Lendio, Mikulina, Chang, Kawashima, Tom, Grau, Myers, Hirano voted in favor of the motion and the motion was passed.

- c. **Status and handling of proposal submissions** – Executive Administrator Narikiyo analyzed information gathered from minutes of past Commissions and how they handled the process of proposed submissions. Gave examples of past Commissions meetings and process of proposed submissions related to the current Commission's calendar, and noted the past frequency of meetings and past practice of inviting the Administration and the Council as guest speakers. Discussion followed. The Commission decided at this time not to make a special invitation to the Administration or the City Council. The Commission will follow the current process of submissions and will move forward. Should the Administration or the Council have interest in any proposed submission, the Commission will welcome testimony from them as well as anyone from the public on the agenda.

Mr. Narikiyo passed out draft minutes for the February 8th, March 8th, April 12th, April 26th, May 10th and June 14th meetings. He asked the Commissioners present to look over the minutes for approval at the next meeting.

IV. Committee Report

Report of Budget Committee – Commissioner Myers reported on the action taken above as part of his report. He also reported that he discussed with Executive Administrator Narikiyo that Mr. Narikiyo would be authorized to make purchases up to \$1,000 without getting the approval from the Committee as long as it is within the budget confines. Any purchases made over \$1,000 needs to be discussed with Commissioner Myers via e-mail or a telephone call to make sure that it is within the budget confines. Commissioner Myers advised the Commissioners that the FY 06 Charter Commission budget was passed and went into effect July 1, 2005. Expenses prior to July 1 were paid by the City Council and the Commission will be getting an accounting of these expenses. The Commission will be given monthly statements of the expenditures categorized and will report at the monthly meetings based on the last group of expenditures.

As soon as they start getting the information, they will begin making complete budget reports at the meetings.

Report of the Submission and Information Committee

None.

Report of the Personnel Committee

None.

Report of the Rules Committee

Commissioner Kawashima reported that the Rules Committee met on 4 items that the Commission tasked the Committee at the June 14 meeting. The first item was “Whether the Commission will require that submission be from Oahu Residents only?” The Committee had the staff research records of past Commissions to see if there was a similar requirement and found there was none. The Committee recommended that the Commission not implement such a requirement. The second item was “Whether the form for proposed amendment should include, name, address, phone number and other contact information?” The Committee recommends that information be included in the submissions, but be redacted by the Executive Administrator, and the Executive Administrator will hold onto that information for follow-up communications with the submitter should the need arise. The Committee felt that information is not relevant for their purposes as Commissioners when reviewing the proposals. The third item was “Whether the Commission should adopt criteria for determining proposed amendments?” The Committee looked at the criteria of the 1998 Commission and added some additional criteria. Hard copies of the *Proposed Evaluation Criteria for the 2005 Charter Commission* were passed out to the Commissioners present. Discussion opened to the Commission on this proposal.

Commissioner Tom had concerns with proposed criteria #1, “It is fair to everyone?” and proposed criteria #2, “Will the taxpayers be satisfied?” He has no objections should the Commission adopt the criteria and feels they are good criteria, but also felt with his experience with government, not everyone will be satisfied with some proposals. Commissioner Mikulina suggested that criteria 2, 3, 5 and 6 could be combined into one. He recommends keeping the list short and broad, but it should be a list they can all reasonably agree would be good guiding principles for decision-making. Chair Takaki asked Commissioner Kawashima if there were other Commissions besides the 1998 Commissions that had criteria to guide decision-making. Commissioner Kawashima and Executive Administrator Narikiyo advised Chair Takaki that there was no other Commission besides the

1998 Commission that had a criteria outline. Executive Administrator Narikiyo elaborated on how and why the criteria were created for the 1998 Commission. Commissioner Lendio advised the Commission that the 1998 Commission was tasked to reorganize city government and the first seven points were specifically for that task. She concurs with Commissioner Mikulina that the current Commission has a more general overview of the Charter instead of a specific reorganization of the city, and perhaps some of the questions could be consolidated into a more general questions than points 1 through 7, which were directed at the reorganization. She proposed to keep it short but well within the Commission's philosophy. Commissioner Chang also has concerns with the proposed criteria, and would not like the Commission to be limited to the amount of criteria used but wanted to leave it open-ended. Commissioner Grau mentioned that the criteria seemed reasonable and they could say that the criteria would be used, but would not limit just to these criteria. Chair Takaki suggested calling the criteria "guidelines." Commissioner Mikulina concurred with Chair Takaki and said that the Committee did decide to call the proposed criteria "guidelines" rather than criteria. Commissioner Kawashima advised the Commission that the proposal is supposed to be "guidelines" rather than "criteria" as stated on the form. Commissioner Myers agreed with having some sort of guidelines to base their decision-making, but also agreed with not having limitations set forth in the process. Commissioner Kawashima asked the Commissioners to look over the proposed guidelines and come back at the next meeting to make their decision. The last suggestion made by Commissioner Tom was to ask the Rules Committee to reconvene and possibly form a mission statement rather than criteria or guidelines that can philosophically incorporate the proposed criteria. Commissioner Chang concurred with Commissioner Tom.

Commissioner Kawashima returned to point of order. The last item Commissioner Kawashima covered was "Whether to adopt the provision allowing the Commissioners to consider amendments submitted after 10/31/05 if approved by supermajority of the Commission?" The Committee felt that was a good proposal and asked Executive Administrator Narikiyo to pass out proposed language to the Commissioners. A second option proposed by Corporation Counsels was also passed out. Executive Administrator Narikiyo elaborated on the differences between the two, which consisted of the inclusion of the current submission due date of October 31, 2005 in the Corporation Counsel version. Chair Takaki suggested adopting the proposed language from Corporation Counsel.

Action:

Commissioner Lendio made a motion that the proposed submissions not be restricted to Oahu residents only. Commissioner Mikulina seconded that motion.

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Lendio made a motion that the form for the proposed amendment should include the name, address, phone number and other contact information of the person submitting the amendment, but that that information not be provided to the Commissioners in their deliberation and consideration of the amendment. Commissioner Chang seconded the motion.

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to adopt Corporation Counsel's version 2 of the *Rule 3a. Proposed Amendments to the Charter: Timing of acceptance of proposals*. Commissioner Pacopac seconded the motion.

Chair Takaki asked if there was any discussion, and there was none. All commissioners present voted in favor of the motion, and the motion was passed.

V. Officers Report

- A. Chair – Chair Takaki reported that Commissioner Lendio will be the Commission's Parliamentarian.
- B. Vice Chair – Commissioner Mikulina had no report.
- C. Treasurer – Commissioner Myers previously gave his report.
- D. Secretary – Commissioner Pacopac had no report.

VI. Announcements

None.

VII. Next Meeting Schedule

The next meeting was set for Tuesday, August 9, 2005 at 4:00 p.m. in Council Committee Room on the Second Floor of Honolulu Hale, due to renovations in the Council Chambers.

VIII. Adjournment

Prior to adjournment, Executive Administrator Narikiyo passed out the revised calendar adopted at the June 14 Commission meeting. Commission Lendio moved to adjourn the meeting, and Commissioner Pacopac seconded. The meeting was adjourned at 5:10 p.m.